Attorney Lane Takes Offensive In Contempt Charges Defense

By JAMES CHISUM

Author-lawyer Mark Lane, scattering caustic remarks as he defended himself against contempt charges, yesterday declared he helped Grace E. Walden, 62, move to California after he concluded she couldn't get justice in Tennessee courts.

Perhaps heeding the adage that the best defense is a strong offense, Lane took swings at other lawyers, mental hospital officials and Probate Court Judge Joseph W. Evans himself.

But Evans, presiding at the hearing, took the contempt charge under advisement.

Mrs. Walden was a resident of the Main Street boarding house from which investigators concluded the bullet was fired which killed Dr. Martin Luther King Jr. in April of 1968. She was committed to Western Mental Health Institute at Bolivar, Tenn., shortly after the murder, with a probate court finding that she was mentally incompetent and a ward of the court.

Lane claimed during yesterday's hearing that her commitment was a plot to suppress her testimony, earlier described as being that a man she saw running from the boarding house did not resemble James Earl Ray. Ray pleaded guilty of the murder in the fall of 1968 but has been trying since to get a new trial. Lane is his current attorney.

Mrs. Walden was released from the mental hospital April 25 and sent to live in a sheltered boarding home in Memphis, with lawyer Larry H. Nance as her guardian. The probate court's incompetency ruling had not been rescinded and she remained a ward of the court.

On May 3, she left with Lane for California, who said yesterday that she is mentally competent and living happily there.

Nance petitioned the court to hold Lane in contempt for removing Mrs. Walden from its jurisdiction.

In a surprise move, Evans asked Nance if he would agree to withdraw as Mrs. Walden's guardian. After Nance replied that he would do as the court wished, the judge dismissed Nance as guardian and appointed Lane and Memphis attorney Duncan Ragsdale as co-guardians. The move made moot a petition filed yesterday by Lane to have Nance removed as Mrs. Walden's guardian.

Lane sought without success to question Mike Lawhead, a television news reporter; Larry M. Plant, a television cameraman, and Associated Press correspondent Les Seago about a discussion of Mrs. Walden between him and Evans on the day he and Mrs. Walden left for California.

The three refused to answer questions, citing the 1973 Tennessee "shield law," which provides that newsmen may refuse to answer questions about their stories and sources and that any challenge of this refusal must be made to the Tennessee Court of Appeals.

Failing to elicit the testimony he wanted from the newsmen, Lane then attempted to make Evans a witness.

Staff Photo

Mark Lane At Hearing

Despite Lane's insistence, the judge refused to take the stand.

Testifying himself, Lane said he met Mrs. Walden in the late summer or early fall of 1977, became her friend and eventually her lawyer. He said he found her to be lucid but brutalized by her treatment at the Bolivar institution. He charged that she was drugged before a television interview early in May and that Dr. Morris D. Cohen, superintendent of the institution, illegally arranged the interview.

But Cohen last night denied that charge. "I didn't arrange the interview," he said, "I granted it." There was nothing illegal about the session, which was conducted in a darkened room and did not show the patient's face, as is customary in such interviews, he said. He also denied Mrs. Walden was drugged or brutalized. "These statements he makes are untrue," Cohen said.

Lane said he had retained a Memphis law firm to take steps to obtain her release from the institution, but Mrs. Walden was moved to the Memphis boarding home before the steps were completed. He charged that Cohen and a staff lawyer at the institution, Margaret H. Tucker, perpetrated a fraud on the court by failing to inform the judge that Mrs. Walden had legal counsel on April 21 when Nance was appointed her guardian.

Lane said when he talked to Mrs. Walden after her release he found that Nance was a callous and incompetent guardian who had failed to provide adequate medical attention and failed to protect her rights.

At this point, he said, he realized that Mrs. Walden would not receive justice from Tennessee courts and agreed to her request that she be taken to California. He said Evans had told him no law prohibited travel by Mrs.

One TV channel had this as lead item. I thus heard Lane talk for last time--& he's fatuous.

Walden.

Yesterday's hearing was marked by exchanges between Nance and Lane, and at one point Nance called Lane, who was on the witness stand, a liar.

Lane jumped from the stand, asked Evans to admonish Nance and moved toward his opponent, declaring if the court refused to take action he would do so himself. In the resulting confusion, Nance apologized to the court, saying he had become emotionally involved.

In another verbal exchange, Lane was attempting to describe his relationship with Mrs. Walden.

"Do you know that Grace Walden says I'm the only friend she has in the world?" he asked Nance.

"Well, I do know that she's mentally incompetent," Nance replied.

Lane declared heatedly that he would not consider returning Mrs. Walden to Memphis.

"You will not get her back. This state has held her as a political prisoner for 10 years, and you will not get her back," he said, adding later: "I would not consider doing that for one moment and I would spend the rest of my life in a jail cell in Memphis."

Lane declared he has no intention of using Mrs. Walden as the subject of a book, and said she will not be a witness if James Earl Ray is retried. He said he had assisted her simply because of sympathy for a "sensitive woman who was kept locked up because she was a witness who would not lie."